

## **REMARKS**

### ***Claim Rejections - 35 USC § 102***

The rejection of claims 2-3 and 5-8 under 35 USC 102(b) as being anticipated by US 2002/0185583 (Metelski) is respectfully traversed for the following reason.

The Office Action identifies the screw (34) and element (33b) of Metelski Figs. 3 and 4 as meeting the “mechanical brake” limitations of claim 2. The Office Action also asserts that the further limitations of dependent claims 3 and 5-8 are evident in Figs. 5-10 of Metelski. Applicant respectfully disagrees.

While the screw 34 of Metelski looks like a mechanical brake for stopping rotation, it is not. Screw 34 engages a pivot bearing tube 33b which holds a pair of bearings 32 which rotatably journal an upright column of the stand, such that arm 11a can rotate about the column. In order to brake rotation, screw 34 would have to engage the column, but it does not. Instead, screw 34 engages the bearing tube for the purpose of finely adjusting the orientation of the bearing tube 33b which is held in an elastic layer 66, whereby the orientation of the rotational axis defined by bearings 32 in bearing tube 33b can be finely adjusted to prevent “drift” of arm 11a. See Metelski at paragraphs 40 and 41. Thus, screw 34 is not a mechanical brake, although it is easy to understand why it might be mistaken for a mechanical brake.

Accordingly, the further limitations of claims 3 and 5-8 are also not described in Metelski.

Based upon the above remarks, claims 2-8 are in condition for allowance, and Applicant kindly requests favorable reconsideration of the present application.

### ***Allowable Subject Matter***

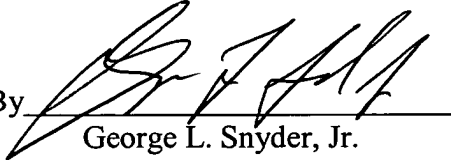
The indication of allowable subject matter in claim 4 is acknowledged with thanks. in view of the present response, it is respectfully urged that all pending claims are allowable, and therefore claim 4 has not been rewritten in independent form.

***Conclusion***

The present application is respectfully considered to be in a condition for allowance, and a Notice of Allowance is kindly sought. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

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